

P.C. 0009.96



PATENT

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of )  
)  
Peggy M. Tomasula ) Group Art Unit 1761  
) Examiner P. Dubois  
Production of High Protein )  
Concentrates )  
)  
Serial No. 09/247,219 )  
)  
Filed February 10, 1999 )

The Honorable  
The Assistant Commissioner for Patents  
Sir:

PRELIMINARY REMARKS

Please note in Applicant's response mailed December 6, 2000, as an amendment to parent application 09/247,219 filed on February 10, 1999, that on page 4, the first full paragraph, line 3, the word "deduction" should be "reduction".

Respectfully submitted,

Peoria, IL

309/681-6512  
FAX 309/681-6688  
202/720-5474

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Curtis P. Ribando, Agent of Record  
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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:  
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Attorney Docket No.

0009.96

First Named Inventor

Peggy M. Tomasula

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This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09/247,219, filed on  
February 10, 1999, entitled Production of High Protein Concentrates.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), and filed on or after June 8, 1995. or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

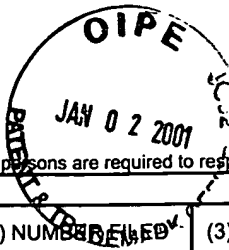
1. ☒ Enter the unentered amendment previously filed on December 6, 2000, under 37 C.F.R. § 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
\_\_\_\_\_
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 C.F.R. § 1.16(c))	11 - 20 =		x \$ _____ =	\$
	INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	1 - 3 =		x \$ _____ =	
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))			+ \$ _____ =	
				BASIC FEE (37 C.F.R. § 1.16)	710.00
				Total of above Calculations =	710.00
	Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).				
	TOTAL =				710.00

## 6. Small entity status:

- a. ☐ A small entity statement is enclosed.  
 b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
 c. ☐ Is no longer claimed.

## 7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 01-0455:

- a. ☒ Fees required under 37 C.F.R. § 1.16.  
 b. ☒ Fees required under 37 C.F.R. § 1.17(a)(1). Extension for response within first month fee of \$110.00  
 c. ☐ Fees required under 37 C.F.R. § 1.18.7.

8. ☐ A check in the amount of \$ \_\_\_\_\_ is enclosed

9. Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**NOTE:**

The prior application's correspondence address will carry over to this CPA  
 UNLESS a new correspondence address is provided below.

## 10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

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11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT  
REQUIRED

NAME

Curtis P. Ribando

SIGNATURE

DATE

January 2, 2001